

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**

7
8 **March 5, 2010**
9

10 The Board of Educational Examiners held its monthly meeting on March 5, 2010.
11 Board Chair, Judy Jeffrey, called the meeting to order. Members attending were
12 Julio Almanza, Brad Dirks, Tammy Duehr, Merle Johnson, Oscar Ortiz, Greg
13 Robinson, Liz Sheka, Laura Stevens, Carol Trueg and Richard Wortmann. Also in
14 attendance was Dr. George Maurer, Executive Director of the Board and Julie
15 Bussanmas, Assistant Attorney General. Bev Smith was unable to attend.

16
17 Merle Johnson moved, with a second by Tammy Duehr, to approve the amended
18 agenda. **MOTION CARRIED UNANIMOUSLY.**

19
20 Merle Johnson moved, with a second by Greg Robinson, to approve the consent
21 agenda. **MOTION CARRIED UNANIMOUSLY.**

22
23 Laura Stevens moved, with a second by Merle Johnson , that the Board go into
24 closed session for the purposes of discussing whether to initiate licensee
25 disciplinary proceedings and discussing the decision to be rendered in a contested
26 case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION**
27 **CARRIED UNANIMOUSLY.**

28
29 Carol Trueg moved, with a second by Merle Johnson, that in case number 09-45,
30 the Board find probable cause to establish a violation of the following provisions of
31 the Code of Professional Conduct and Ethics, 282 IAC 25.3(6) d, e, and order this
32 case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Beth Myers,

1 Attorney/Investigator, recused herself and did not participate in the discussion of
2 this case.)

3
4 Laura Stevens moved, with a second by Oscar Ortiz, that in case number
5 09-75, the Board find probable cause to establish a violation of the following
6 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1) e
7 (1), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8
9 Laura Stevens moved, with a second by Carol Trueg, that in case number 09-77,
10 the board finds that the evidence gathered in the investigation, including witness
11 statements and the documentary evidence does not rise to the level necessary to
12 take action against the licensee. The Board therefore lacks probable cause to
13 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

14
15 Carol Trueg moved, with a second by Laura Stevens, that in case number 09-78,
16 while the Board is concerned about the allegations, it finds that the evidence
17 gathered in the investigation, including witness statements and the documentary
18 evidence does not rise to the level necessary to take action against the licensee and
19 adequate steps have been taken at the local level. The Board therefore lacks
20 probable cause to proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

21
22 Oscar Ortiz moved, with a second by Merle Johnson, that in case number
23 09-80, the Board find probable cause to establish a violation of the following
24 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1)
25 b(1) c, d, e (3) and (4), and order this case set for hearing. **MOTION**
26 **CARRIED UNANIMOUSLY.**

27
28 Laura Stevens moved, with a second by Carol Trueg, that in case number
29 09-81, the Board find probable cause to establish a violation of the following
30 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1)
31 c, d, e, (3) and (4), and order this case set for hearing. **MOTION CARRIED**
32 **UNANIMOUSLY.**

1 Merle Johnson moved, with a second by Oscar Ortiz, that the Board extend the
2 180-day deadline for issuance of the final decision in **case number 09-68**, based
3 upon the extraordinary amount of time needed to schedule the hearing, allow
4 review of the proposed decision, and issue a final decision. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 Board Reports:

8 There were no board reports.

9
10 Public Comment:

11 There were no public comments.

12
13 Executive Director's Report:

14 Dr. Maurer presented the financial report and provided the board with information
15 regarding the number of licenses that have been issued.

16
17 Prior to the board meeting, The Executive Committee discussed the need for the
18 April 2nd board meeting since it falls on Good Friday. Dr. Maurer recommended
19 that we cancel the April meeting and if there are any professional practices issues
20 that need to be addressed, a telephonic meeting will be held.

21
22 Dr. Maurer indicated that Cal Halliburton from ISEA was scheduled to give a
23 presentation regarding the ethics program in April. This presentation will be
24 rescheduled to May.

25
26 Tammy Duehr and Laura Stevens are on the Senate list to be re-appointed to the
27 board. This is a recommendation by the governor.

28
29 Dr. Maurer announced that Dr. Gary Borlaug, a consultant with the Board of
30 Educational Examiners, will be retiring. (The legislature passed a proposal
31 regarding an Early Retirement Incentive.)

1 The consultant position held by Dr. Borlaug will not be replaced. Dr. Maurer will
2 propose to DAS and DOM that another investigator be hired to meet our needs that
3 currently exists.

4
5 Rules:

6 Greg Robinson moved, with a second by Laura Stevens, to file under Notice of
7 Intended Action, the proposed changes to Chapter 13.10 Specific requirements for
8 a Class A license. **MOTION CARRIED UNANIMOUSLY.**

9
10 Carol Trueg moved, with a second by Merle Johnson, to file under Notice of
11 Intended Action, the proposed changes to Chapter 18.4 General requirements for
12 an administrator license. **MOTION CARRIED UNANIMOUSLY.**

13
14 Laura Stevens moved, with a second by Richard Wortmann, to file under Notice of
15 Intended Action, the proposed changes to Chapter 27.4 Specific requirements for a
16 Class B license. **MOTION CARRIED UNANIMOUSLY.**

17
18 Items for Discussion:

19 The proposed changes to Chapter 24.4(7) Vision Impairments—prekindergarten
20 through grade 12 were discussed. The board requested more information from the
21 task force members who drafted the proposed changes. This will then be returned
22 to the board for further discussion.

23
24 The proposed changes to Chapter 13.28(26) Elementary counselor were discussed
25 and will be brought back to the May meeting for noticing.

26
27 The proposed changes to Chapter 13.28(27) Secondary counselor were discussed
28 and will be brought back to the May meeting for noticing.

29
30 The proposed changes to Chapter 13.17 Specific requirements for exchange
31 licenses were discussed and will be brought back to the May meeting for noticing.

1 The proposed changes to Chapter 15.5 Supervisor of special education--
2 instructional were discussed and will be brought back to the May meeting for
3 noticing.

4
5 The proposed changes to Chapter 27.3(5) Professional Service Administrator were
6 discussed and will be brought back to the May meeting for noticing.

7
8 The proposed changes to Chapter 18.11 Director of special education of an area
9 education agency were discussed and will be brought back to the May meeting for
10 noticing.

11
12 The proposed changes to Chapter 27.3(6) Director of special education of an area
13 education agency were discussed and will be brought back to the May meeting for
14 noticing.

15
16 Petitions for Waiver:

17 Merle Johnson moved, with a second by Laura Stevens, that in **PFW 10-03**,
18 Franklin Marsh, the Board deny the Petition for Waiver. **MOTION CARRIED**
19 **UNANIMOUSLY.**

20
21 Merle Johnson moved, with a second by Oscar Ortiz, that in **PFW 10-05**, Jeffrey
22 Berger, the Board deny the Petition for Waiver. **MOTION CARRIED**
23 **UNANIMOUSLY.** (Judy Jeffrey recused herself and did not participate in the
24 discussion of this waiver request.)

25
26 Tammy Duehr moved, with a second by Brad Dirks, that in **PFW 09-16**, Bishoy
27 Demian, the Board deny the Petition for Waiver. **MOTION CARRIED**
28 **UNANIMOUSLY.**

29
30 Reports/Approvals:

31 Board Calendar: Dr. Maurer presented the board with a *draft* of the FY 11 Board
32 Meeting Dates. There was also discussion regarding having the meetings on
33 Mondays instead of Fridays. Dr. Maurer will *draft* a calendar with Monday

1 meeting dates also. The *proposed* calendars will be presented at the May meeting
2 for further discussion.

3
4 There being no further business the meeting was adjourned at 11:55 a.m.

5
6 The Board held a work session after lunch.

7
8 Board Retreat: Dr. Maurer discussed the purpose/proposed agenda of the
9 upcoming board retreat which will be held on June 17-18.

10
11 Board Goals: Dr. Maurer reviewed the goals for FY 10.

12
13 The following items were discussed during the work session: Class licenses and
14 BEDS.

15
16 The work session adjourned at 1:50 p.m.